

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 24

UNITED STATES PATENT AND TRADEMARK OFFICE

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PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SALIM G. KARA
and
MARTIN J. PAGEL

Application 08/953,477

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on June 25, 2002. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith returned to the examiner. The matters requiring attention prior to docketing are identified below.

Application 08/953,477

An examination of the file reveals that an Information Disclosure Statement (IDS) was filed March 12, 2002 (Paper No. 23). It is not apparent from the record whether the examiner considered the statement submitted or notified appellants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98. A communication notifying appellants of the Primary Examiner's decision is required.

The examination of the file also reveals that an Appeal Brief was filed on August 16, 2001 (Paper No. 21). The Appeal Brief does not comply with section 1206(9) of the Manual of Patent Examining Procedure (MPEP) (8th Ed., August 2001), which states:

The copy of the claims required in the brief Appendix by 37 CFR 1.192(c)(9) should be a clean copy and should not include any markings such as brackets or underlining.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

1. for consideration of the IDS filed March 12, 2002 (Paper No. 23) and appropriate written notification to appellants regarding the Primary Examiner's decision;

Application 08/953,477

2. for notification to appellants to submit a new Appendix to the Appeal Brief filed on August 16, 2001 (Paper No. 21), or for the examiner to issue a Supplemental Examiner's Answer which contains a correct copy of claim 65; and

3. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
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